Draft Decision Notice and Finding of No Significant Impact for the Green Horse Creek Project

USDA Forest Service
Moose Creek Ranger District
Nez Perce-Clearwater National Forest
Idaho County, Idaho

Introduction

The Green Horse project area is within an area on the Nez Perce-Clearwater National Forest that has been affected by the insects and disease. Forest Service employees working in silviculture and forest health monitored a western hemlock looper outbreak and studied impact to trees on the Nez Perce-Clearwater and other public lands in the region to decide what management actions are most appropriate. Only trees with severe defoliation from the loopers are at risk of dying - trees with less vegetation loss are likely to rebound from the outbreak (https://www.fs.usda.gov/detailfull/nezperceclearwater/home/?cid=FSEPRD664804&width=full). As project development continued, site visits determined that the amount of defoliation from the western hemlock looper was less than originally estimated from the aerial detection surveys. On-going monitoring showed levels of hemlock looper in decline across the Forest (Malesky et al. 2020).

Based on observed existing conditions, as well as other supporting information (e.g. annual insect and disease aerial detection surveys, national insect and disease risk maps, input from local community members, Forest Plan management direction), there is a need to improve forest health and provide a sustained yield of resource outputs as directed in the Forest Plan by reducing the extent of insect and disease infection and altering species composition to include more early seral species that are less susceptible to disease infection. There is also a need to reduce hazard trees, hazardous fuels, and wildfire risk along roads for public and firefighter safety, including ingress/egress. to protect timber resources, and to maintain recreational opportunities within the area.

Decision

Based on my review of all the alternatives, I have decided to authorize implementation of the proposed action as described in the EA and below. This decision specifically authorizes implementation of the following components of the proposed action.

- Regeneration harvest, site preparation, and reforestation and animal damage control of approximately 1,510 acres;
- Salvage (intermediate) harvest on approximately 180 acres along Forest Roads 2116, 464, 464-A, 356, and 2013 that are located on borders of the O'Hara-Falls Creek and West Meadow Creek roadless areas to remove dead and dying trees;
- Landscape prescribed burning on approximately 570 acres;

- Road reconditioning on approximately 26 miles and road reconstruction on approximately 19 miles of system roads;
- Approximately 2.3 miles of temporary road construction that would be obliterated after use; and
- Mitigation measures.

Specifics of the Decision

Silvicultural Treatments

Regeneration harvest (approximately 1,510 acres): Regeneration treatments would primarily remove disease-susceptible species, as well as currently dead or dying trees. Retention requirements will be dependent upon other resource needs (wildlife, visual, soils, hydrology) and would first be met by untreated ground that is within riparian habitat conservation areas (RHCAs), including field-verified landslide prone soils; and areas where harvest system limitations prevent treatment. Retention could also be clumped across the unit where needed for wildlife or other resource objectives. This retention pattern will provide visual irregularity across the landscape. Where treatment units intersect with dispersed sites, coordination with interdisciplinary team members will occur to retain, where it exists, a healthy forested appearance within current dispersed site perimeters.

Disease resistant early seral species would be given preference for retention; other species may be retained to meet other objectives or where early seral species are not available, provided that the trees are relatively free of insect and disease. If Pacific yew is present in the understory, it should be considered for a retention clump or patch for wildlife. Snags retained for wildlife purposes would be the largest diameter possible that did not pose safety concerns during any phase of treatment.

Some regeneration units would be roadside units to treat fuels up to 150 feet off the road to provide a fuel break along system roads for public and firefighter safety. Priority would be to remove dead and dying, along with shade-tolerant insect and disease susceptible species, to provide safe ingress/egress for the public and firefighters. Any untreated roadside areas within planned unit boundaries and other untreated roadside areas that are no longer than one quarter mile (¼ mile) in length and lie between two treated areas would count toward required retention values. All roadside units will be considered fully stocked at lower-than-average densities as a result of safety and hazard concerns.

There would be no harvest in riparian areas, including field-verified landslide prone areas; or verified old growth. In order to minimize soil disturbance, legacy skid trails will be reused where possible, and rehabilitated as described in the Standard Design Features (document 11-004). In units 02A and 03A, a minimum of 0.5 miles of legacy skid trails will be reused and subsequently rehabilitated in each unit in order to maintain soil productivity and comply with Forest Plan soil standards.

Some proposed units would create openings that are greater than 40 acres (Table 1). Direction in Forest Service Manual 2470, Region 1 Supplement #R1 2400-2016-1, Section 2471.1 states that the size of openings created by even-aged silvicultural treatments in the Northern Rockies will normally be 40 acres or less, with certain exceptions. Areas where opening size exceeds 40 acres would be in areas where treating less than 40 acres will not result in the desired outcome of treating the extent of the insect and disease within the treatment unit. It should be noted that opening size may be smaller than the analyzed unit due to harvest systems limitations, retention

requirements, and riparian or landslide prone buffers. Proposed units larger than 40 acres that are not on the list (Table 1) will not have contiguous openings greater than 40 acres.

Table 1. Proposed regeneration harvest units that are larger than 40 acres that may result in openings greater than 40 acres

Opening No.	Unit No.	Acres
1	1	47
2	2	48
3	3	53
4	9	56
5	10	142
6	11	45
7	16	46
8	17	406
9	18	51
10	23	63

Site preparation (1,510 acres): Activity-generated fuels would be treated to prepare for reforestation within regeneration harvest units. Site preparation may include broadcast or jackpot burning; hand piling or mechanical piling and burning; or mastication of activity-generated fuels on slopes less than 35% and on ground that is machine operable. Broadcast or jackpot burning may be allowed to burn outside of units depending on site conditions, to meet resource needs and project objectives.

Reforestation and animal damage control (approximately 1,510 acres): Reforestation would focus on restoring long-lived early seral species such as ponderosa pine, western larch, Douglas fir, and lodgepole pine. Other species that may be planted include Engelmann spruce and western redcedar, where appropriate. Roadside harvest units would be planted at lower densities to maintain a more open stand for public and firefighter safety.

Within the grand fir-dominated sites, there is the potential for up to 50% of the proposed harvest units to be in an ecosystem that may require site-specific adjustments to the prescription to ensure adequate reforestation (Ferguson & Byrne, 2000; Ferguson et al. 2005). Adjustments could include different site preparation methods, two years of gopher baiting treatments, planting at higher densities and/or weed and release treatments to ensure adequate reforestation within 5-year reforestation timelines. Past records show 5-10 year reforestation timelines, with an 82% rate of successful reforestation of all harvested acres on the Moose Creek Ranger District (document 17-002).

In order to limit damage to conifer seedlings, pocket gopher control is proposed in regeneration harvest units where necessary to control gopher populations. Rodenticide (Strychnine Oats — Hand Baiting; EPA Reg. No.56228-20) would be applied at the lowest effective rates below ground into gopher burrows at selected sites. Application rates are typically $1/8^{th}$ to 1 lb. of bait per acre; however, it can be as much as 2 pounds per acre in heavily impacted stands. Treatments should be suspended when soils are wet or when heavy rain is predicted.

Intermediate Harvest (approximately 180 acres): Salvage harvest along Forest Roads 2116, 464, 464-A, 356, and 2013 that are located on borders of the O'Hara-Falls Creek and West Meadow Creek roadless areas is proposed to remove dead and dying trees (approximately 9.4 miles and 180 acres) within falling or striking distance of improvements and/or the road (pose a

hazard to the road). Retention would vary across units and be dependent upon the amount of dead and dying hazard trees within the unit. Areas with little-to-no mortality would have higher amounts of retention, while areas of high mortality will have lower areas of retention.

Activity fuels may be treated to remove excess fuels through hand-or-machine piling; and then burning the piles, or mastication of activity-generated fuels on slopes less than 35% and on ground that is machine operable.

Ground-based (tractor) and cable/skyline harvest systems would be utilized to accomplish harvest. Ground-based skidding would be limited to slopes less than 45 percent and skyline logging systems would be used in areas with steeper slopes (Table 2).

Prescribed burning (approximately 570 acres): Prescribed fire goals are to mimic the characteristic fire regime and allow progress towards the restoration of ecological processes to help maintain current fire regimes, transition to historic fire regimes, and to enhance ecosystem resiliency (Noss et al. 2006). The objectives of prescribed fire in these landscape burns are to maintain natural openings, reduce surface fuels, litter depth, and ladder fuels; increase canopy base height (the distance from the ground to the bottom of the tree canopy), and provide a fuel break in strategic locations along Forest Roads 356 and 9716 for wildfire management in the future for public and firefighter safety. The intent of ignition is to achieve the objectives described above with a mix of low-and-medium-intensity surface fire. Some individual or group torching of trees may occur in the units, creating a mosaic of burned/unburned vegetation. Areas of overstory tree mortality would be expected up to approximately 3 years post-burn. The burning of natural fuels may occur more than once with an interval between implementation due to seasonal availability and desired fire effects, and objectives. Ignitions would occur after all harvest treatments have been completed, and all activity fuels reduced and/or removed.

Prescribed fire would occur during periods when weather conditions and fuel moisture levels are within favorable windows to facilitate low to medium intensity surface fire. Prescribed burning would be conducted based on weather and site-specific conditions and would take place under the guidelines set forth in a prescribed fire burn plan developed specifically for this project area. Not all landscape burning acres identified would be treated either due to the fuels available during the burning conditions or at the discretion of the prescribed fire manager. Forested areas within the proposed prescribed fire units may be thinned and/or limbed prior to burning to reduce fuel loadings. Prescribed burning would reoccur as needed (approximately every five to ten years) or as needed to keep a current and functional fuel break for the safety of public and firefighters in the project area. Unplanned ignitions may be managed for resource benefit within the units identified for prescribed burning where it meets the objectives described above.

Direct ignitions in the RHCA, including landslide prone areas shall be avoided; fire will be allowed to back into these areas. No ignition would occur outside of mapped units; however fire would be allowed to back into areas outside of the units. Fire outside the units as would be allowed to burn as long as objectives are met and resource values enhanced.

Road Activities

Roads would be utilized in the project area to access harvest units. General road maintenance would take place prior to use and temporary road construction would occur to provide adequate access for harvest and some activity fuel treatment and reforestation.

Road reconditioning and reconstruction for haul: All roads used for haul would receive some level of work to provide suitable conditions for log haul.

Road reconditioning on approximately 20 miles of road could include roadside brushing, blading, ditch cleaning, removal of small cutslope failures, removal of obstructions such as rocks and trees, spot placement of aggregate where needed to provide for safe passage of vehicles and road surface erosion control. Reconditioning also includes maintenance of existing culverts.

Road reconstruction on approximately 19 miles of road could include the addition of cross drain structures near stream crossings, application of surface aggregate gravel materials, road realignment or reshaping, and placement of roadway fill and installation of new signs or gates. Other activities could include installation of drainage dips, road blading, brushing and removal of obstructions.

The definitions for road maintenance and road reconditioning above do not include all activities that can be completed under each classification; these definitions are for informational purposes only. Surveys conducted prior to project implementation would occur to determine the actual work needed.

Road reconditioning for watershed improvement (approximately 6 miles): Forest Roads 9714, 9709 and 9709A would receive general maintenance (reconditioning) to maintain or improve watershed health. Forest Road 9714 is identified for road improvements to support timber haul, however, approximately one mile not proposed for timber haul would receive maintenance. Forest Roads 9709 and 9709A will not be used for haul or to access timber harvest units but the roads would receive similar maintenance to haul routes. These road activities are expected to be implemented after timber related activities are complete and as funding permits. All activities completed will be to improve or maintain watershed health.

Temporary road construction (approximately 2.3 miles): Temporary roads would be necessary to access several timber harvest units. Temporary roads are not open for public use and would be necessary for actions authorized in the contract to proceed with these project activities because it is not included in the Forest transportation atlas. Access would be limited to active operations only. Approximately 2.3 miles of new temporary road construction would occur to facilitate harvest. Temporary roads would be constructed on or near ridge tops with no stream crossings and would be hydrologically disconnected from any stream network (Table 2). All temporary roads would be obliterated after use. Some temporary roads may over-winter if needed to access activity fuel treatment and/or reforestation areas. These roads would be hydrologically stabilized when not used and obliterated once fuels treatment and reforestation needs are met. Obliteration would eliminate future motorized use of the road, and would restore hydrological function and soil productivity by ensuring that the road has adequate drainage and ground cover to prevent erosion (Table 2 and Figure 1).

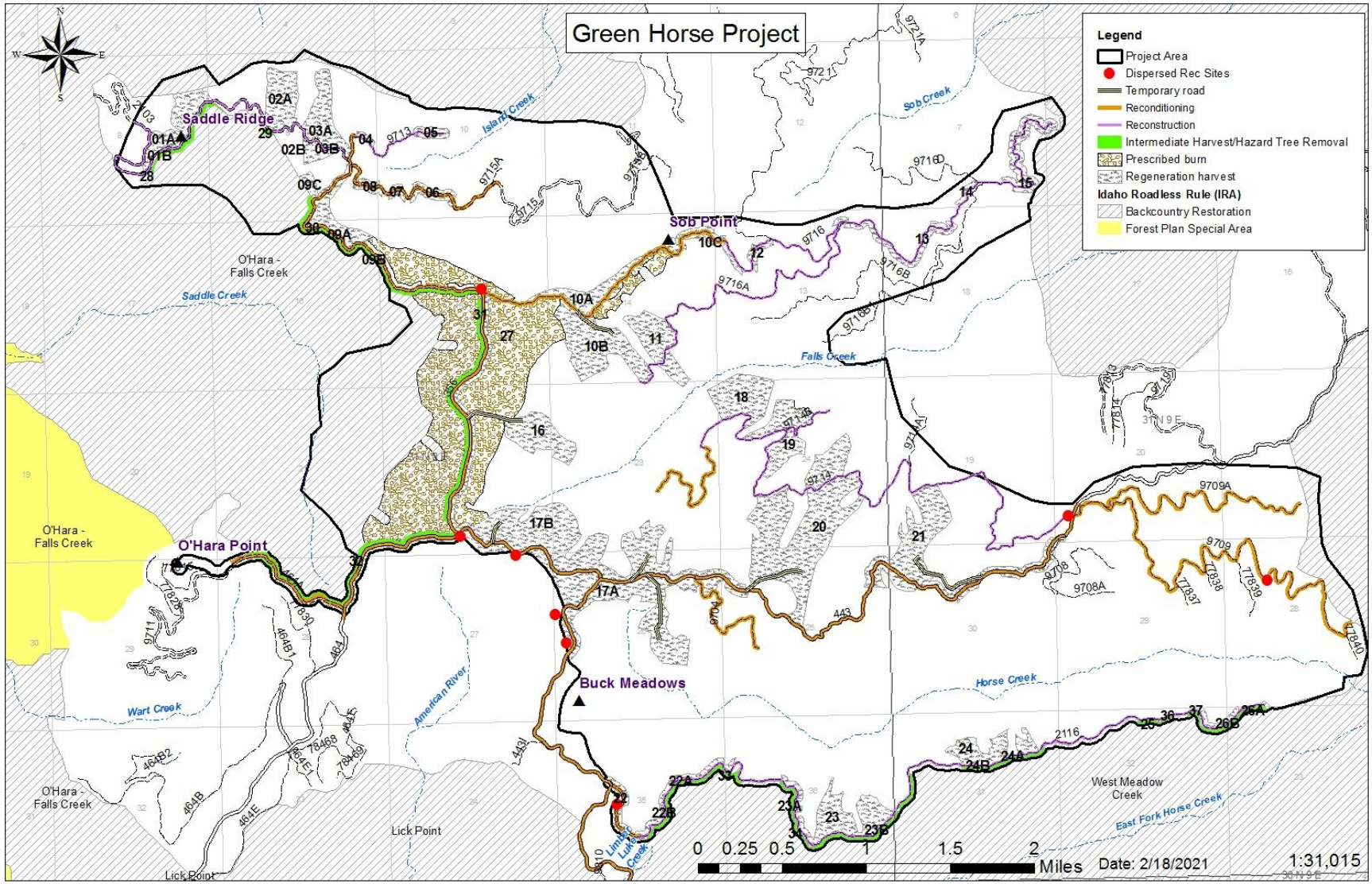

Figure 1. Map of Green Horse harvest units, temporary roads, and road work

Mitigation Measures

The Forest Service developed mitigation measures to be used as part of the Green Horse proposed action in Table 2. These mitigation measures were developed by the interdisciplinary team that address site-specific factors about the project that need protection over and above those already built into the design through "Standard Design Features" (document 11-004).

The Green Horse project was designed to avoid undesirable cause-effect relationships and potential effects to resource conditions; and ensure that these projects are consistent with the Nez Perce National Forest Land and Resource Management Plan, including the 1995 PACFISH amendment; and all laws, regulations, and policies such as Idaho Forest Practices Act, Clean Water Act, and Idaho State Water Quality Standards. These mitigation measures were developed from past projects and professional experience, have been verified by field surveys and monitoring, and will be used to limit possible adverse effects to soils, water quality, fish and wildlife habitat, and culturally significant areas.

Table 2. Green Horse project mitigation measures

SOIL RESOURCES		**HOW IMPLEMENTED & EFFECTIVENESS**
SR-1	In all timber harvest units, locate and design skid trails, landings and yarding corridors prior to activities to minimize the area of detrimental soil effects. Space tractor skid trails no less than 80 feet apart (edge to edge), except where converging on landings. **This does not preclude the use of feller bunchers.*	Implemented through Mandatory Contract Provisions **Effectiveness:** High, based on experience
SR-2	In ground-based harvest units where piling occurs, only pile areas of high slash accumulation (exceeding 1 foot in depth) throughout the harvest unit.	Implemented through Mandatory Contract Provisions **Effectiveness:** Moderate, based on experience
SR-5	Keep piles less than 10 feet in height in units where piling occurs.	Implemented through Mandatory Contract Provisions **Effectiveness:** High, based on experience
SR-7	In unit 17, coarse woody debris (greater than 3 inches in diameter) will be retained at an average of 7-15 tons per acre following completion of activities. In unit 23, coarse woody debris (greater than 3 inches in diameter) will be retained at an average of 9-18 tons per acre following completion of activities. In all other units, coarse woody debris (greater than 3 inches in diameter) will be retained at an average of 17-33 tons per acre following completion of activities.	Implemented through Contract Provisions **Effectiveness:** Graham et al. 1994 – High, based on experience
SR-8	In all units, ground-based equipment will only operate on slopes less than 45% and tractor skidding will only occur on slopes less than 35%. Exceptions can be authorized where mitigation measures are applied and soil, slope and equipment are determined appropriate to maintain soil function.	Implemented through Contract Provisions **Effectiveness:** Unknown
ACCESS MANAGEMENT & PUBLIC SAFETY		
AM-1	Coordinate with the contractors and local organization(s) responsible for trail grooming. Will develop alternative parking, plowing, and timing agreement on groomed snowmobile routes.	Implemented through Contract Provisions **Effectiveness:** High, based on experience
AM-3	Retain access to identified dispersed campsites, after implementation is complete.	Implemented through Contract Provisions or sale layout and prep **Effectiveness:** Unknown
WILDLIFE		

WL-1	Limit spring broadcast burning in units 18, 19, and 21 to protect *(big game calving, migratory bird breeding periods).*	Implemented through Rx Burn and Silviculture plans **Effectiveness:** High, dictated by Rx Burn and Silviculture plans.
WL-2	Prohibit all activities from December 1 through May 15 in units 18, 19, and 21 to retain security and reduce stress for wintering ungulates.	Implemented through Contract Provisions **Effectiveness:** High, easily determined by FS staff, and contract compliance.
WL-3	Prohibit all activities within units 18, 19, and 21 from May 15 through June 15 to avoid impacts on ungulate calving/fawning.	Implemented through Contract Provisions **Effectiveness:** High, easily determined by FS staff, and contract compliance.
FISHERIES		
FF-2	Avoid direct ignition of fuels within RHCAs	Implemented through Forest Service action **Effectiveness:** High, based on experience and local monitoring.
FF-3	All reconstructed and temporary constructed road segments within RHCAs would be graveled 100ft. on either side of the crossing upon completion of reconstruction/construction	Implemented through Mandatory and other Contract Provisions **Effectiveness:** High, based on experience and scientific monitoring.
NOXIOUS WEEDS		
NW-1	Use Forest Service approved native plant species or non-native annual species mixes and mulches that have been certified weed-free seed and mulch.	Implemented through Contract Provisions **Effectiveness:** Moderate, based on experience
ARCHAEOLOGY		
A-2	Healthy live trees with blazes and historic tin message boards/signs will not be harvested within units 10, 12, 13, 14 and 27. The trail tread will be avoided by project related activity. The only exception to avoidance would be in limited areas where skid trails may be established to concentrate ground disturbance in specific locations identified in consultation with the Zone Archaeologist. Upon project completion these skid trails will be rehabilitated and returned to their pre-harvest condition.	Implemented through Mandatory Contract Provisions **Effectiveness:** High, based on experience
A-3	Healthy live trees with blazes, phone line insulators attached and historic tin message boards/signs will not be harvested within units 23, 34, 35, and 36. The trail tread will be avoided by project related activity. The only exception to avoidance would be in limited areas where skid trails may be established to concentrate ground disturbance in specific locations identified in consultation with the Zone Archaeologist. Upon project completion these skid trails will be rehabilitated and returned to their pre-harvest condition.	Implemented through Mandatory Contract Provisions **Effectiveness:** High, based on experience
A-4	Site 01170001196 is located approximately 40 meters south of a proposed roadside harvest unit (unit 17). The site will be avoided by all project related activity.	Implemented through Mandatory Contract Provisions **Effectiveness:** High, based on experience

Rationale

Throughout this Decision Notice, I describe my rationale for the selection of the proposed action in order to be responsive to public comments and resource concerns from some members of the public. In making my decision I have reviewed the EA as well as the project record upon which the analysis is based. I have spoken with members of the public, local and state government officials, as well as Nez Perce Tribe staff. As a result of that coordination and review, I am taking

action to conduct a combination of timber harvest/reforestation, hazard tree removal, prescribed fire and associated road activities on Forest Service administered land approximately 10 miles northeast of Elk City, Idaho.

The actions I have selected are necessary to fulfill my obligations to provide for Forest Service employee and public safety (to the extent practical) and to promote forest health through sustainable timber management while protecting trust resources. This decision will provide for better long-term forest vegetation conditions and make both short- and long-term watershed improvements by improving system roads. Harvesting the insect and disease affected trees has economic benefits to the public by reducing hazard trees along system roads, putting people to work. and providing wood products to the mills. It also has economic benefits to the Agency by using revenue from the fire-killed trees to fund watershed improvements and reforestation and by reducing future fire hazards.

This project was developed to meet goals and objectives of the Idaho County Natural Resources Plan that includes hazardous fuel reduction, forest health, timber production, firefighter safety, and economic stability (ICNRP 2016) and is complies with goals for desired condition in the Selway-Middle Fork Clearwater River Subbasin Assessment (USDA 2001) and the Nez Perce National Forest Land and Resource Management Plan (USDA 1987).

This decision contributes to local rural economic stability with harvest related forest products and services from within the suitable timber base (91%, 1,510 acres) and from hazard tree removal (9%, 180 acres) along many Forest Service system roads within the project area. As a result, our community will benefit from production of an estimated 23.2 MMBF of timber, sustaining 510 full time jobs (worth $15,474,000 in wages) and creation of $89,320,000 in total revenue. Receipts from this project also contribute to the 25%-Fund, which Idaho County may use for critical infrastructure needs on local school districts and county roads.

My decision to remove roadside hazard trees supports firefighter and public safety through improved access while addressing maintenance needs on system roads, including worn or failing structures with the potential to introduce sediment into sensitive aquatic habitat. Coordination with the Nez Perce Tribe on this project also led to the identification of two additional system roads, outside the project footprint, for which maintenance actions will be taken to benefit aquatic resources. Selection of the proposed action provides a social component by improving the quality of experience for Forest users engaged in activities such as hunting, foraging, dispersed camping, or just sight-seeing. Roadside hazard tree removal is needed for public and Forest Service employee safety, to keep the roads accessible for public and/or administrative use, and to prevent road maintenance issues from trees falling onto roads and causing other resource damage.

Lower fuel density adjacent to roads increases the probability for safe-successful and efficient wildfire management, which in turn is expected to reduce associated costs and negative effects from extreme fire behavior. Recreation access to opportunities for backcountry solitude are also achieved with hazard tree removal along three routes leading to the O'Hara-Falls Creek and West Meadow Creek roadless areas, which was made possible through coordination with the Idaho Roadless Commission and by meeting requirements of an exception to the Idaho Roadless Rule.

This decision also includes approximately 570 acres of prescribed fire designed to mimic natural regimes and work in concert with timber harvest, hazard tree removal and reforestation actions to increase forest resiliency through improved stand diversity, increased resistance to disease, improved wildlife habitat, and decreased potential for negative wildfire effects which can in short order reverse decades of accomplishments in both aquatic and terrestrial habitat restoration.

In summary, I have selected the proposed action as it will provide for a sustained yield of resource outputs as directed by the Nez Perce National Forest Plan and will maintain road systems that are stable, improve forest heath, and reduce wildfire risk.

Tribal Government Consultation

Trust responsibilities arise from the United States' unique legal relationship with Indian tribes. It derives from the Federal Government's consistent promise, in the treaties that it signed, to protect the safety and well-being of the Indian tribes and tribal members. The Federal Indian trust responsibility is now defined as a legally enforceable fiduciary obligation, on the part of the United States, to protect tribal lands, assets, resources, and reserved rights, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes. This responsibility requires that the Federal Government consider the best interests of the Indian tribes in its dealings with them and when taking actions that may affect them. The trust responsibility includes protection of the sovereignty of each tribal government (FSM 1563.8b 2).

The Forest Service best serves the Federal Government's trust responsibility by:

- Ensuring Forest Service actions never diminish the rights of Indian tribes and tribal members;
- Ensuring Forest Service program benefits reach Indian tribes and tribal communities;
- Observing and enforcing all laws enacted for the protection of tribal cultural interests;
- Observing the principles of consultation whenever our policies, decisions, or other actions have tribal implications; and
- Treating NFS resources as trust resources where tribal legal rights exist.

American Indian tribes are afforded special rights under various federal statutes: National Historic Preservation Act; NFMA; Archaeological Resources Protection Act of 1979; Native American Graves Protection and Repatriation Act of 1990; Religious Freedom Restoration Act of 1993 (PL 103141); and the American Indian Religious Freedom Act of 1978. Federal guidelines direct federal agencies to consult with tribal representatives who may have concerns about federal actions that may affect religious practices, other traditional cultural uses, or cultural resource sites and remains associated with tribal ancestors. Any tribe whose aboriginal territory occurs within a project area is afforded the opportunity to voice concerns for issues governed by National Historic Preservation Act, Native American Graves Protection and Repatriation Act, or American Indian Religious Freedom Act.

Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments;" Executive Memo, April 29, 1994 "Government-to-Government Relationship;" and Executive Memo, September 23, 2004, "Government-to-Government Relationship" recognize the unique legal relationship between the United States and Indian tribal governments and also direct Federal agencies to have a process to ensure meaningful and timely input by tribal officials.

The Green Horse project area is located within ceded lands of the Nez Perce Tribe. These ceded lands are federal lands within the historic aboriginal territory of the Nez Perce Tribe which have been ceded to the United States. In Article 3 of the Nez Perce Treaty of 1855, the United States of America and the Nez Perce Tribe mutually agreed that the Nez Perce retain the following rights:

> *"…taking fish at all usual and accustomed places in common with citizens of the Territory [of Idaho]; and of creating temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing horses and cattle…"*

Tribal Coordination and Government-to-Government Consultation on the Green Horse Project

The Nez Perce-Clearwater National Forests is committed to fulfilling the Forest Service's trust responsibilities to Native Americans, to honoring rights reserved in the Nez Perce Treaty of 1855, and to strengthening the Forests' government-to-government relationship with the Nez Perce Tribe. The Forest Service manages and provides access to ecosystems that support Tribal traditional practices. The Green Horse project would maintain and enhance these opportunities over the long term by improving roads and forest conditions. Creating openings and providing a variety of habitats will enhance hunting opportunities for big game species. A forest that is more resilient and resistant to climate change factors will also enhance access to treaty resources over the long-term.

Forest Service staff provided the Nez Perce Tribal staff Green Horse project information, including a discussion of the developing need for a proposal and the existing condition beginning on April 24, 2019 2019. Subsequent discussions and updates about the project occurred at the regular quarterly meeting on July 24, 2019, October 31, 2019, January 15, 2020, April 15, 2020, July 15, 2020. Throughout the planning process, Tribal staff have shared information on existing road conditions and expressed concerns about temporary roads, invasive species, road decommissioning, road improvements, landslide prone areas, treatments within roadless areas, information supporting the purpose and need and the proposed action, large openings, Pacific yew, elk vulnerability, and effects to migratory bird species. A staff to staff meeting occurred on October 23, 2020 to review the comments provided during the combined scoping and 30-day comment period, clarify project activities, and discuss effects. My staff carefully reviewed the comments and the staff to staff meeting helped clarify documentation in the project record, make improvements to the proposed action, and plan for more opportunities to work together in the near future.

The Nez Perce Tribe did not request formal consultation with the Nez Perce Tribal Executive Committee since issues were resolved at the staff-to-staff level. The staff-to-staff coordination and subsequent modifications to the project resulted in a decision that fulfills my Tribal trust responsibility by enhancing and maintaining Treaty reserved resources. I have acted in good faith in honoring our government-to-government relationship.

The cultural resource surveys have been completed for the Green Horse project area and have been submitted to the Idaho State Historic Preservation Office (SHPO). Concurrence was received on December 15, 2020 (document 15-001).

Other Alternatives Considered

In addition to the selected proposed action with a modification, I considered 4 other alternatives, including taking no action (EA, pp. 4-6, 13). The effects of taking no action and those of the proposed action can be found in the EA on pages 13-68 and supporting resource analysis located in the project record.

Alternatives Considered but Eliminated from Detailed Study

- An alternative with no harvest within the Fall Creek-O'Hara and West Meadow Creek Idaho Roadless Areas; including no harvest specifically along roads within the Idaho Roadless Areas that are closed (open to administrative use only).
- An alternative that includes road decommissioning for roads that are not currently used and roads that are not needed for future management. This recommendation from public

comments also included decommissioning roads, rather than removing hazard trees along them.

- An alternative that includes watershed restoration in O'Hara Creek.

Public Involvement and Scoping

Public outreach about the western hemlock looper began during late summer and into the fall of 2019. A community meeting took place in Elk City, Idaho where community members invited Forest Service staff and a presentation about the looper was given and community members inquired about the tree mortality and defoliation appearing across the landscape, natural controls for suppression of the looper, and projections for next year. An introduction about the project was provided to the Board of Idaho County Commissioners and The Green Horse project was presented at a public meeting held by the Clearwater Basin Collaborative. Forest Service also provided a presentation to staff from the Nez Perce Tribe on the looper as well.

A proposal for the Green Horse project was listed in the quarterly Schedule of Proposed Actions on January 1, 2020. The proposed action was provided to the public and other agencies for comment during a combined scoping and 30-day comment period beginning with a legal notice published in the Lewiston Morning Tribune on February 22, 2020. In addition, as part of the public involvement process, the agency also presented the project at a public meeting held by the Clearwater Basin Collaborative in Kooskia, Idaho on January, 29, 2020.

Ten comments were received in the form of emails and letters as instructed in the letter and legal notice before the Green Horse 30-day comment period ended. Considering comments from the public, other agencies, and the Nez Perce Tribe, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included analysis issues that consisted of cumulative effects and impacts to wildlife and fish habitat as well as potential impacts to Idaho Roadless Areas. Resource analysis in the EA (pp. 14-70), supporting documentation, and responses to comments received are located in the project record. Comments also suggested alternatives to the proposed action to resolve issues around effects to Idaho Roadless Areas and improving watershed conditions (EA p. 14). To address these concerns, the Forest Service created the alternatives described above that were considered but eliminated from detailed study.

Finding of No Significant Impact

After considering the environmental effects described in the EA and specialist reports, I have determined that the proposed action will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. The Finding of No Significant Impact of the Green Horse project proposed action is located in the project record (and has been made available to public at the same time as this draft Decision Notice).

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA)

This decision to implement regeneration and intermediate harvest with associated road activates and the mitigation measures as described above under Specifics of the Decision is consistent with the intent of the forest plan's long term goals and objectives listed on pages II-1 to II-2. The project was designed in conformance with land and resource management plan standards and

incorporates appropriate land and resource management plan guidelines for Management Areas 01, 12, 16, 17, 20, and 21 (USDA 1987, pp. III-6, 38, 46, 47, 49, 50, 57, 61-64).

Other NFMA Requirements - I have determined the selected alternative is consistent with the following provisions of the National Forest Management Act:

1. Suitability for Timber Production: No timber harvest, other than salvage sales or sales to protect other multiple-use values, shall occur on lands not suited for timber production (16 USC 1604(k)).

Operations will not occur on any lands identified as not suited for timber production. The Green Horse project is consistent with management area guidelines outlined by the Nez Perce Forest Plan. Through silvicultural treatments and identified areas where treatments will not be occurring, this project would do the following in compliance with the appropriate management area guidance for each area: provide resource outputs on a sustained-yield basis, protect old growth, manage visual quality objectives, and protect resource values (all resource effects analysis located in the Green Horse EA and supporting information in the project record).

2. Timber Harvest on National Forest Lands (16 USC 1604(g)(3)(E)): A Responsible Official may authorize site-specific projects and activities to harvest timber on National Forest System lands only where:

a. Soil, slope, or other watershed conditions will not be irreversibly damaged (16 USC 1604(g)(3)(E)(i)).

The effects of the project are disclosed in resource analyses located in the project record and Green Horse EA. I find that harvest unit locations, silvicultural treatments, riparian protection, logging technology, and post-harvest activities, in relationship with the soil and water conservation practices planned, will minimize impairment of site productivity and ensure conservation of soil and water resources (hydrology and soil resource effects, project record). The project will protect the organic matter, soil porosity, and topsoil through the use of best management practices (BMPs), standard design features, and mitigation measures. Localized and limited losses may occur on landings and skid trails. However, over the majority of the unit and the landscape, the processes that contribute to productive soils will be preserved (EA pp. 48-49, document 26-003). Applicable BMPs project design features, and mitigation measures assure that no irreversible damage to the watershed or stream channel considerations will occur (Table 2, document 11-004).

b. There is assurance that the lands can be adequately restocked within five years after final regeneration harvest (16 USC 1604(g)(3)(E)(ii)).

All regeneration harvested stands will have site preparation and be planted with ponderosa pine, western larch, Douglas fir, and/or lodgepole pine. Other species that may be planted include Engelmann spruce and western redcedar, where appropriate. Survival examinations will be completed after the first growing season and at year 3 to monitor regeneration success. Assurance is given that all suited lands treated in the Green Horse project will be adequately restocked within five years after final harvest based upon past professional experience and review of regeneration status reports.

c. Protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water

courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat (16 USC 1604(g)(3)(E)(iii)).

The Green Horse project will implement PACFISH standards and guidelines, BMPs, project design features, and mitigation measures to maintain water quality, channel conditions, and fish habitat. Because of PACFISH buffer retention, there is no change to stream shading or temperature. There is no effect on sediment due to well vegetated buffers (EA pp. 52-57, 63, document 11-004). All current (instream) and future (riparian) wood will be retained.

d. The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber (16 USC 1604(g)(3)(E)(iv)).

For this project, treatments and harvesting systems were selected to appropriately balance treatment efficiency with minimizing resource impacts (all resource analysis located in the Green Horse EA).

3. Clearcutting and Even-aged Management (16 USC 1604(g)(3)(F)): Insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on National Forest System lands only where:

a. For clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan (16 USC 1604(g)(3)(F)(i)).

The methods proposed for this project are based upon current species composition and pathogens present within the project area. These even aged harvest treatments will create structure and composition similar to natural successional processes for these habitat types. All proposed treatments meet objectives and requirements of the Forest Plan (EA pp. 72-74; document 11-008).

b. The interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area (16 USC 1604(g)(3)(F)(ii)).

This has been completed as shown in the resource analyses located in the Green Horse EA (pp. 13-68).

c. Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain (16 USC 1604(g)(3)(F)(iii)).

Harvest units were designed using this requirement as a design feature (Silvicultural Treatments under Specifics of the Decision).

d. Cuts are carried out according to the maximum size limit requirements for areas to be cut during one harvest operation, provided, that such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm (FSM R1 supplement 2400-2001-2 2471.1, 16 USC 1604(g)(3)(F)(iv)).

The Green Horse project will create ten openings greater than 40 acres that may be up to 406 acres (irregularly shaped with the potential for some limited areas of intermediate harvest within).

The authorization to exceed openings has been requested for approval by the Regional Forester and approval is expected before a final decision (document 17-018). Deferring treatment or limiting the size of these harvest areas would leave insect and disease areas untreated and would continue to be subject to further mortality that would contribute to accumulations of down fuel. Regeneration harvest would be applied where the stand contains 70% or more grand fir or grand fir/Douglas-fir mix and shows obvious signs of root disease. Retention within these stands would be for reasons such as existing seed source, intermittent shade, or other resource needs, such as wildlife or visuals. It is expected that without treatment, species composition would remain late-seral, root disease susceptible species that would continue to lose volume and increase pathogen levels within the stand. Over time, larger trees would continue to succumb to root disease before reaching desired age and size class for old growth, leading to an overall loss of large trees on the landscape (Byler and Hagle 2000; Lockmen and Kerns 2016).

e. Such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource (16 USC 1604(g)(3)(F)(v)).

Soil, watershed, fish, wildlife, recreation, and aesthetic resources professionals have reviewed this project to safeguard that resources are protected. Best management practices, design features, and mitigation measures have been developed and will be implemented, ensuring that the project is carried out in a protective and restorative manner (Silvicultural Treatments under Decision; Table 2, document 11-004).

4. Stands of trees are harvested according to requirements for culmination of mean annual increment of growth (16 USC 1604(m)).

Silviculturists have determined units identified for regeneration harvest meet the requirements for culmination of mean annual increment growth or are suffering from insect or disease infestations.

5. Construction of temporary roadways in connection with timber contracts, and other permits or leases: Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System (16 USC 1608(b)).

The interdisciplinary team completed a transportation plan, including a roads analysis for the project area and determined that road work and temporary roads needed to facilitation harvest and associated activities (Silvicultural Treatments under Decision). It analyzed current and future transportation needs. The Green Horse project will construct temporary roads and they will be obliterated after use. Road reconstruction and reconditioning are consistent with and meet the intent of NFMA road requirements.

6. Standards of roadway construction: Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources (16 USC 1608(c)).

The Green Horse project will construct only temporary roads and obliterate them after use as described under Road within Decision and in the standard design features (document 11-004).

Nez Perce National Forest Land and Resource Management Plan

The proposed project was guided by the goals, objectives, standards, guidelines, and management area direction within the Nez Perce National Forest Plan. This project would help move the Forest toward desired future conditions as described in the Forest Plan (pp. II-13-15) and complies with standards that are applicable to the Green Horse project (EA pp. 71-74, and document 11-008).

Other Laws and Regulations

- National Historic Preservation Act (Green Horse FONSI p. 5, EA p. 71)
- Clean Water Act (Green Horse **FONSI** p. 2, EA p. 69)
- Environmental Justice Act (Green Horse FONSI p. 5, EA p. 71)
- Endangered Species Act (Green Horse FONSI p. 5, EA p.69-71)
- Clean Air Act (Green Horse FONSI p. 2, EA p. 71)
- Idaho Forest Practices Act (EA p. 69)
- Watershed and Fisheries Regulatory Framework (EA p. 69-71)
- Forest Service Manual (FSM) 2672.4 – The biological evaluations prepared for the Green Horse project determined that the project would have ***no impact*** on Westslope cutthroat trout, Spring Chinook salmon, Pacific lamprey, Inland redback trout, western pearlshell mussel, American peregrine falcon, black swift, common loon, long-billed curlew, harlequin duck, Townsend's big-eared bat, Coeur d'Alene salamander, Maidenhair spleenwort (*Asplenium trichomanes*), Crenulate moonwort (Botrychium crenulatum), Least moonwort (*Botrychium simplex*), Broadfruit mariposa (*Calochortus nitidus*), Constance's bittercress (*Cardamine constancei*), Buxbaum's sedge (*Carex buxbaumii*), Bristle-stalked sedge (*Carex leptalea*), Many headed sedge (*Carex sychnocephala*), Anderegg's cladonia (*Cladonia andereggii*), Pacific dogwood (*Cornus nuttallii*), Dasynotus (*Dasynotus daubenmirei*), Idaho douglasia (*Douglasia idahoensis*), Giant helleborine (*Epipactis gigantea*), Puzzling halimolobos (*Halimolobos perplexa* var. *perplexa*), Sticky goldenweed (*Haplopappus hirtus* var. *sonchifolius*), Salmon-flowered desert-parsley (*Lomatium salmoniflorum*), Chickweed monkeyflower (*Mimulus alsinoides*), Spacious monkeyflower (*Mimulus ampliatus*), Thin sepal monkeyflower (*Mimulus hymenophyllus*), Gold-back fern (*Pentagramma triangularis* spp. *Triangularis*), Sweet coltsfoot (*Petasites frigidus* var. *palmatus*), Whitebark pine (*Pinus albicaulis*), Licorice fern (*Polypodium glycyrrhiza*), Mendocino sphagnum (*Sphagnum mendocinum* (moss)), Sierra wood-fern (*Thelypteris nevadensis*), Short style toefieldia (*Triantha occidentalis* ssp. *Brevistyla*), Douglas clover (*Trifolium douglasii*), Plumed clover (*Trifolium plumosum* var. *amplifolium*); ***may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability*** to the population or species for bighorn sheep, black-backed woodpecker, fisher, flammulated owl, fringed myotis, long-eared and long-legged myotis, gray wolf, mountain quail, North American wolverine, western toad, deerfern (*Blechnum spicant*), moonwarts (*Botrychiun spp.*), green bug-on-a-stick (*Buxbaumia viridis*), clustered ladyslipper (*Cypripedium fasciculatum*), light hookeria (*Hookeria lucens*), naked-stem rhizomnium (*Rhizomunium nudum),* along with a beneficial impact to Payson's milkvetch (*Astragalus paysonii*), evergreen Kittentail (*Synthyris platycarpa*), and Idaho barren strawberry (*Waldsteinia idahoensis*) (see fish, wildlife, and botany biological evaluations or the EA).

Administrative Review and Objection Rights

This decision is subject to objection pursuant to 36 CFR Part 218 subparts A and B. The objection must be filed by way of regular mail, fax, e-mail, hand-delivery, or express delivery with the

Objection Review Officer: Objection Reviewing Officer, USDA Forest Service, 26 Fort Missoula Road, Missoula, MT 59804. The fax number is 406-329-3411.

The office business hours for those submitting hand-delivered objections are: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-northern-regional-office@usda.gov with Subject: *Green Horse*. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Objections, including attachments, must be filed within 45 days from the publication date of the legal notice in the *Lewiston Morning Tribune*, the newspaper of record. Attachments received after the 45-day objection filing period will not be considered. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object this project should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may file an objection to this project. The notice of objection must meet the content requirements at 36 CFR 218.8.

Objections received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this action and will be available for public inspection. Additionally, pursuant to 7 CFR 1.27 (d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information (FOIA) permits such confidentiality. Requests for confidentiality may be granted in only very limited circumstances.

Implementation

Implementation is expected to begin in 2023.

Minor changes may be needed during implementation to better meet on-site resource management and protection objectives. In determining whether and what kind of further NEPA action is required, we will consider the criteria at FSH 1909.15, section 18.

Connected or interrelated proposed changes regarding particular areas or specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

Minor adjustments to unit boundaries may be needed during final layout for resource protection, to improve logging system efficiency, and to better meet the intent of our decision. Many of these minor changes will not present sufficient potential impacts to require any specific documentation or action to comply with applicable laws."

For further information concerning the Green Horse Project, contact Sara Daugherty, Natural Resource Planner, at sara.daugherty@usda.gov.

Approved by:

[reserved for final decision]

RONALD TIPTON
District Ranger
Moose Creek Ranger District
Nez Perce-Clearwater National Forests

Date

We make every effort to create documents that are accessible to individuals of all abilities; however, limitations with our word processing programs may prevent some parts of this document from being readable by computer-assisted reading devices. If you need assistance with any part of this document, please contact the Nez Perce-Clearwater National Forest at 208-935-2513.

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